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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,
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13 Plaintiff,
14 v.
15 MIGUEL ANGEL MARTINEZ-URIBE,
aka Ricardo Castro,
16 Defendant.

Case No.: CR 09-00421 RMW

Related Case No.: CR 09-00441 RMW

**STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
[] ORDER**

Honorable Ronald M. Whyte

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19 Defendant and the government, through their respective counsel, hereby stipulate that, subject
20 to the court's approval, the hearing in the above-captioned matter, presently scheduled for Monday,
21 July 27, 2009 at 9:00 a.m., be continued to Monday, August 17, 2009, at 9:00 a.m. The continuance
22 is requested to allow time for effective defense preparation and investigation.

23 The parties further agree that time should be excluded under the Speedy Trial Act because the
24 ends of justice served by granting the requested continuance outweigh the interest of the public and
25 the defendant in a speedy trial. The failure to grant the requested continuance would deny defense
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STIP. TO CONTINUE;
[] ORDER
No. CR 09-00421 RMW

counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The parties therefore stipulate that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

Dated: 7/21/09

/s/
LARA S. VINNARD
Assistant Federal Public Defender

Dated: 7/22/09

/s/
THOMAS O'CONNELL
Assistant United States Attorney

[] ORDER

The parties have jointly requested a continuance of the hearing set for Monday, July 27, 2009, to allow time for effective defense preparation.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for Monday, July 27, 2009, be continued to Monday, August 17, 2009, at 9:00 a.m.

Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from July 27, 2009 to August 17, 2009. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

Dated: 8/12/09


RONALD M. WHYTE
United States District Judge